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Examiner: Bernard D. Pianto
Group Art Unit: 1762

In the Office Action, the Examiner required restriction between the following groups of claims under 35 U.S.C. § 121:

- (I) Claims 1-22 and 38-51, drawn to an apparatus;
- (II) Claims 23-37 drawn to a spray applicator;
- (III) Claims 52-58 drawn to a method.

This restriction requirement is respectfully traversed. Applicants provisionally elect claims of the examiner's Group I, claims 1-22 and 38-51, with traverse.

The Examiner has represented that the inventions of Groups III and I are distinct because the apparatus could be used for coating. Applicant disagrees with the Examiner's assessment of the differences between the inventions of Groups I and III.

Claims 1-22 in Group I relate to a portable surface cleaning apparatus and not to a coating mechanism. Claims 18-20, which depend from claim 1, call for a body of liquid surface protectant composition in the reservoir that is dispensed onto a surface. In like manner, claims 38-51 relate to a portable surface cleaning apparatus in which a liquid protectant composition is within a tank and a fluid delivery system is adapted to spray the liquid protectant composition onto a surface. Claims 40-42 depend from claim 38 and define the protectant composition as being a stain repellent, a miticide or a mildew repellent. Claims 49-52 are similar to claims 40-42 except that they depend from claim 48 and call for the liquid protectant to be a liquid stain repellent composition, a liquid miticide composition or a liquid mildew repellent composition.

Claims 52-58 are method claims that call for a method of applying a liquid protectant solution to a surface wherein the protectant solution is placed in a dispensing tank in an extraction cleaning machine and dispensed onto the surface as the extraction cleaning machine is moved over the surface. Thus, all of the claims in Groups I and III relate to the spraying or otherwise dispensing of liquid protectant solution onto a surface.

The Examiner has held that the inventions of Groups II and III are related as process and apparatus. The Examiner has stated that the apparatus of the Group II can be used for cleaning. Applicant disagrees that the invention of Group II could be used for cleaning. However, claims 27-29 call for a body of liquid protectant in a reservoir. Further, claim 25, which depends from

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claim 24, calls for the unitary body to be void of a suction nozzle. Because both sets of claims are related to the application of a liquid protectant to a surface, they have not achieved a separate status in the art.

The Examiner also represents that both the inventions of Groups I and II are related as a combination and subcombination but the claims dependent on claim 1 in Group I contain many of the limitations that are found in the claims of the Examiner's Group II.

In view of the foregoing, reconsideration of the restriction requirement is respectfully requested.

Respectfully submitted,

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